

Message

From: Miles, James [miles.james@epa.gov]
Sent: 12/20/2018 3:44:45 PM
To: Holmes, Carol [Holmes.Carol@epa.gov]
Subject: RE: TSCA 19(a) challenge to R3 PCB NON in Hazelton, Pa. (CA3)

K, thanks

From: Holmes, Carol
Sent: Thursday, December 20, 2018 10:42 AM
To: Miles, James <miles.james@epa.gov>
Subject: Re: TSCA 19(a) challenge to R3 PCB NON in Hazelton, Pa. (CA3)

Attorney Client / Ex. 5

Thanks for keeping me in the loop!

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Carol S. Holmes
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Crosscutting Policy Staff
Office of Civil Enforcement (MC 2241A)
U. S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-8709

On Dec 20, 2018, at 10:36 AM, Miles, James <miles.james@epa.gov> wrote:

From: Presler, Amos
Sent: Thursday, December 20, 2018 10:31 AM
To: Saenz, Diana <Saenz.Diana@epa.gov>
Cc: Werner, Jacqueline <Werner.Jacqueline@epa.gov>; Miles, James <miles.james@epa.gov>; Baney, Tony <Baney.Tony@epa.gov>; Gardner, Geraldine <Gardner.Geraldine@epa.gov>
Subject: TSCA 19(a) challenge to R3 PCB NON in Hazelton, Pa. (CA3)

Diana,

Attorney Client / Ex. 5

Hazelton Creek Properties v. EPA

Hazelton Creek Properties, Moosic, Pennsylvania, filed a petition dated 12/5/18 for review with the U.S. Court of Appeals for the Third Circuit. The filing requests review of what the petitioner labels a “final agency action” in the form of a Notice of Noncompliance and Information Request.

The scheduling order required a government response by Thursday, December 20th, but DOJ filed an unopposed motion for extension of time to respond by January 8th. The motion has not yet been granted, but the clerk advised DOJ to proceed as if it will be granted.

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Prior to the filing, the region met with attorneys for Hazelton. The Region also received a letter in response to the NON, detailing the petitioner’s potential arguments/defenses. Bethany Fisher is the OGC attorney and Cheryl Jamieson is the regional attorney. OGC is securing a DOJ attorney.

Amos Presler, Acting Branch Chief
Chemical Risk and Reporting Enforcement Branch
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